

FIRST REGULAR SESSION

# HOUSE BILL NO. 247

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WARD, SELBY, CRAWFORD,  
WHORTON AND JETTON (Co-sponsors).

Read 1<sup>st</sup> time January 22, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0295L.011

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### AN ACT

To repeal section 301.010, RSMo, and to enact in lieu thereof one new section relating to special mobile equipment.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 301.010, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.010, to read as follows:

301.010. As used in this chapter and sections 304.010 to 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to 307.175, RSMo, the following terms mean:

(1) "All-terrain vehicle", any motorized vehicle manufactured and used exclusively for off-highway use which is fifty inches or less in width, with an unladen dry weight of six hundred pounds or less, traveling on three, four or more low pressure tires, with a seat designed to be straddled by the operator, and handlebars for steering control;

(2) "Automobile transporter", any vehicle combination designed and used specifically for the transport of assembled motor vehicles;

(3) "Axle load", the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle;

(4) "Boat transporter", any vehicle combination designed and used specifically to transport assembled boats and boat hulls;

(5) "Body shop", a business that repairs physical damage on motor vehicles that are not owned by the shop or its officers or employees by mending, straightening, replacing body parts,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is new proposed language.**

16 or painting;

17 (6) "Bus", a motor vehicle primarily for the transportation of a driver and eight or more  
18 passengers but not including shuttle buses;

19 (7) "Commercial motor vehicle", a motor vehicle designed or regularly used for carrying  
20 freight and merchandise, or more than eight passengers but not including vanpools or shuttle  
21 buses;

22 (8) "Cotton trailer", a trailer designed and used exclusively for transporting cotton at  
23 speeds less than forty miles per hour from field to field or from field to market and return;

24 (9) "Dealer", any person, firm, corporation, association, agent or subagent engaged in  
25 the sale or exchange of new, used or reconstructed motor vehicles or trailers;

26 (10) "Director" or "director of revenue", the director of the department of revenue;

27 (11) "Driveaway operation", the movement of a motor vehicle or trailer by any person  
28 or motor carrier other than a dealer over any public highway, under its own power singly, or in  
29 a fixed combination of two or more vehicles, for the purpose of delivery for sale or for delivery  
30 either before or after sale;

31 (12) "Dromedary", a box, deck, or plate mounted behind the cab and forward of the fifth  
32 wheel on the frame of the power unit of a truck tractor-semitrailer combination. A truck tractor  
33 equipped with a dromedary may carry part of a load when operating independently or in a  
34 combination with a semitrailer;

35 (13) **"Emergency", as used in section 301.133, shall include the call for services of**  
36 **special mobile equipment to perform services that relate to the owner's normal course of**  
37 **business, but is required to be performed on Saturdays, Sundays, or legal holidays;**

38 (14) "Farm tractor", a tractor used exclusively for agricultural purposes;

39 [(14)] (15) "Fleet", any group of ten or more motor vehicles owned by the same owner;

40 [(15)] (16) "Fleet vehicle", a motor vehicle which is included as part of a fleet;

41 [(16)] (17) "Fullmount", a vehicle mounted completely on the frame of either the first  
42 or last vehicle in a saddlemount combination;

43 [(17)] (18) "Gross weight", the weight of vehicle and/or vehicle combination without  
44 load, plus the weight of any load thereon;

45 [(18)] (19) "Hail-damaged vehicle", any vehicle, the body of which has become dented  
46 as the result of the impact of hail;

47 [(19)] (20) "Highway", any public thoroughfare for vehicles, including state roads,  
48 county roads and public streets, avenues, boulevards, parkways or alleys in any municipality;

49 [(20)] (21) "Improved highway", a highway which has been paved with gravel,  
50 macadam, concrete, brick or asphalt, or surfaced in such a manner that it shall have a hard,  
51 smooth surface;

52           [(21)] **(22)** "Intersecting highway", any highway which joins another, whether or not it  
53 crosses the same;

54           [(22)] **(23)** "Junk vehicle", a vehicle which is incapable of operation or use upon the  
55 highways and has no resale value except as a source of parts or scrap, and shall not be titled or  
56 registered;

57           [(23)] **(24)** "Kit vehicle", a motor vehicle assembled by a person other than a generally  
58 recognized manufacturer of motor vehicles by the use of a glider kit or replica purchased from  
59 an authorized manufacturer and accompanied by a manufacturer's statement of origin;

60           [(24)] **(25)** "Land improvement contractors' commercial motor vehicle", any not-for-hire  
61 commercial motor vehicle the operation of which is confined to:

62           (a) An area that extends not more than a radius of one hundred miles from its home base  
63 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
64 from projects involving soil and water conservation, or to and from equipment dealers'  
65 maintenance facilities for maintenance purposes; or

66           (b) An area that extends not more than a radius of twenty-five miles from its home base  
67 of operations when transporting its owner's machinery, equipment, or auxiliary supplies to or  
68 from projects not involving soil and water conservation. Nothing in this subdivision shall be  
69 construed to prevent any motor vehicle from being registered as a commercial motor vehicle or  
70 local commercial motor vehicle;

71           [(25)] **(26)** "Local commercial motor vehicle", a commercial motor vehicle whose  
72 operations are confined solely to a municipality and that area extending not more than fifty miles  
73 therefrom, or a commercial motor vehicle whose property-carrying operations are confined solely  
74 to the transportation of property owned by any person who is the owner or operator of such  
75 vehicle to or from a farm owned by such person or under the person's control by virtue of a  
76 landlord and tenant lease; provided that any such property transported to any such farm is for use  
77 in the operation of such farm;

78           [(26)] **(27)** "Local log truck", a commercial motor vehicle which is registered pursuant  
79 to this chapter to operate as a motor vehicle on the public highways of this state, used exclusively  
80 in this state, used to transport harvested forest products, operated solely at a forested site and in  
81 an area extending not more than a fifty-mile radius from such site, carries a load with dimensions  
82 not in excess of twenty-five cubic yards per two axles with dual wheels, and is not operated on  
83 the national system of interstate and defense highways described in Title 23, Section 103(e) of  
84 the United States Code, does not have more than four axles and does not pull a trailer which has  
85 more than two axles. A local log truck may not exceed the limits required by law, however, if  
86 the truck does exceed such limits as determined by the inspecting officer, then notwithstanding  
87 any other provisions of law to the contrary, such truck shall be subject to the weight limits

88 required by such sections as licensed for eighty thousand pounds;

89 [(27)] **(28)** "Local transit bus", a bus whose operations are confined wholly within a  
90 municipal corporation, or wholly within a municipal corporation and a commercial zone, as  
91 defined in section 390.020, RSMo, adjacent thereto, forming a part of a public transportation  
92 system within such municipal corporation and such municipal corporation and adjacent  
93 commercial zone;

94 [(28)] **(29)** "Log truck", a vehicle which is not a local log truck and is used exclusively  
95 to transport harvested forest products to and from forested sites which is registered pursuant to  
96 this chapter to operate as a motor vehicle on the public highways of this state for the  
97 transportation of harvested forest products;

98 [(29)] **(30)** "Major component parts", the rear clip, cowl, frame, body, cab, front-end  
99 assembly, and front clip, as those terms are defined by the director of revenue pursuant to rules  
100 and regulations or by illustrations;

101 [(30)] **(31)** "Manufacturer", any person, firm, corporation or association engaged in the  
102 business of manufacturing or assembling motor vehicles, trailers or vessels for sale;

103 [(31)] **(32)** "Mobile scrap processor", a business located in Missouri or any other state  
104 that comes onto a salvage site and crushes motor vehicles and parts for transportation to a  
105 shredder or scrap metal operator for recycling;

106 [(32)] **(33)** "Motor change vehicle", a vehicle manufactured prior to August, 1957, which  
107 receives a new, rebuilt or used engine, and which used the number stamped on the original  
108 engine as the vehicle identification number;

109 [(33)] **(34)** "Motor vehicle", any self-propelled vehicle not operated exclusively upon  
110 tracks, except farm tractors;

111 [(34)] **(35)** "Motor vehicle primarily for business use", any vehicle other than a  
112 recreational motor vehicle, motorcycle, motortricycle, or any commercial motor vehicle licensed  
113 for over twelve thousand pounds:

114 (a) Offered for hire or lease; or

115 (b) The owner of which also owns ten or more such motor vehicles;

116 [(35)] **(36)** "Motorcycle", a motor vehicle operated on two wheels;

117 [(36)] **(37)** "Motorized bicycle", any two-wheeled or three-wheeled device having an  
118 automatic transmission and a motor with a cylinder capacity of not more than fifty cubic  
119 centimeters, which produces less than three gross brake horsepower, and is capable of propelling  
120 the device at a maximum speed of not more than thirty miles per hour on level ground;

121 [(37)] **(38)** "Motortricycle", a motor vehicle operated on three wheels, including a  
122 motorcycle while operated with any conveyance, temporary or otherwise, requiring the use of  
123 a third wheel. A motortricycle shall not be included in the definition of all-terrain vehicle;

124           [(38)] **(39)** "Municipality", any city, town or village, whether incorporated or not;  
125           [(39)] **(40)** "Nonresident", a resident of a state or country other than the state of Missouri;  
126           [(40)] **(41)** "Non-USA-std motor vehicle", a motor vehicle not originally manufactured  
127 in compliance with United States emissions or safety standards;  
128           [(41)] **(42)** "Operator", any person who operates or drives a motor vehicle;  
129           [(42)] **(43)** "Owner", any person, firm, corporation or association, who holds the legal  
130 title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale  
131 or lease thereof with the right of purchase upon performance of the conditions stated in the  
132 agreement and with an immediate right of possession vested in the conditional vendee or lessee,  
133 or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee  
134 or lessee or mortgagor shall be deemed the owner for the purpose of this law;  
135           [(43)] **(44)** "Public garage", a place of business where motor vehicles are housed, stored,  
136 repaired, reconstructed or repainted for persons other than the owners or operators of such place  
137 of business;  
138           [(44)] **(45)** "Rebuilder", a business that repairs or rebuilds motor vehicles owned by the  
139 rebuilder, but does not include certificated common or contract carriers of persons or property;  
140           [(45)] **(46)** "Reconstructed motor vehicle", a vehicle that is altered from its original  
141 construction by the addition or substitution of two or more new or used major component parts,  
142 excluding motor vehicles made from all new parts, and new multistage manufactured vehicles;  
143           [(46)] **(47)** "Recreational motor vehicle", any motor vehicle designed, constructed or  
144 substantially modified so that it may be used and is used for the purposes of temporary housing  
145 quarters, including therein sleeping and eating facilities which are either permanently attached  
146 to the motor vehicle or attached to a unit which is securely attached to the motor vehicle.  
147 Nothing herein shall prevent any motor vehicle from being registered as a commercial motor  
148 vehicle if the motor vehicle could otherwise be so registered;  
149           [(47)] **(48)** "Rollback or car carrier", any vehicle specifically designed to transport  
150 wrecked, disabled or otherwise inoperable vehicles, when the transportation is directly connected  
151 to a wrecker or towing service;  
152           [(48)] **(49)** "Saddlemount combination", a combination of vehicles in which a truck or  
153 truck tractor tows one or more trucks or truck tractors, each connected by a saddle to the frame  
154 or fifth wheel of the vehicle in front of it. The "saddle" is a mechanism that connects the front  
155 axle of the towed vehicle to the frame or fifth wheel of the vehicle in front and functions like a  
156 fifth wheel kingpin connection. When two vehicles are towed in this manner the combination  
157 is called a double saddlemount combination. When three vehicles are towed in this manner, the  
158 combination is called a triple saddlemount combination;  
159           [(49)] **(50)** "Salvage dealer and dismantler", a business that dismantles used motor

160 vehicles for the sale of the parts thereof, and buys and sells used motor vehicle parts and  
161 accessories;

162 [(50)] **(51)** "Salvage vehicle", a motor vehicle, semitrailer or house trailer which, by  
163 reason of condition or circumstance, has been declared salvage, either by its owner, or by a  
164 person, firm, corporation, or other legal entity exercising the right of security interest in it, or by  
165 an insurance company as a result of settlement of a claim for loss due to damage or theft; or a  
166 vehicle, ownership of which is evidenced by a salvage title; or abandoned property which is titled  
167 pursuant to section 304.155, RSMo, or section 304.157, RSMo, and designated with the words  
168 "salvage/abandoned property";

169 [(51)] **(52)** "School bus", any motor vehicle used solely to transport students to or from  
170 school or to transport students to or from any place for educational purposes;

171 [(52)] **(53)** "Shuttle bus", a motor vehicle used or maintained by any person, firm, or  
172 corporation as an incidental service to transport patrons or customers of the regular business of  
173 such person, firm, or corporation to and from the place of business of the person, firm, or  
174 corporation providing the service at no fee or charge. Shuttle buses shall not be registered as  
175 buses or as commercial motor vehicles;

176 [(53)] **(54)** "Special mobile equipment", every self-propelled vehicle not designed or  
177 used primarily for the transportation of persons or property and incidentally operated or moved  
178 over the highways, including farm equipment, implements of husbandry, road construction or  
179 maintenance machinery, ditch-digging apparatus, stone crushers, air compressors, power shovels,  
180 cranes, graders, rollers, well-drillers and wood-sawing equipment used for hire, asphalt  
181 spreaders, bituminous mixers, bucket loaders, ditchers, leveling graders, finished machines,  
182 motor graders, road rollers, scarifiers, earth-moving carryalls, scrapers, drag lines, concrete pump  
183 trucks, rock-drilling and earth-moving equipment. This enumeration shall be deemed partial and  
184 shall not operate to exclude other such vehicles which are within the general terms of this  
185 section;

186 [(54)] **(55)** "Specially constructed motor vehicle", a motor vehicle which shall not have  
187 been originally constructed under a distinctive name, make, model or type by a manufacturer of  
188 motor vehicles. The term "specially constructed motor vehicle" includes kit vehicles;

189 [(55)] **(56)** "Stinger-steered combination", a truck tractor-semitrailer wherein the fifth  
190 wheel is located on a drop frame located behind and below the rearmost axle of the power unit;

191 [(56)] **(57)** "Tandem axle", a group of two or more axles, arranged one behind another,  
192 the distance between the extremes of which is more than forty inches and not more than  
193 ninety-six inches apart;

194 [(57)] **(58)** "Tractor", "truck tractor" or "truck-tractor", a self-propelled motor vehicle  
195 designed for drawing other vehicles, but not for the carriage of any load when operating

196 independently. When attached to a semitrailer, it supports a part of the weight thereof;

197       [(58)] **(59)** "Trailer", any vehicle without motive power designed for carrying property  
198 or passengers on its own structure and for being drawn by a self-propelled vehicle, except those  
199 running exclusively on tracks, including a semitrailer or vehicle of the trailer type so designed  
200 and used in conjunction with a self-propelled vehicle that a considerable part of its own weight  
201 rests upon and is carried by the towing vehicle. The term "trailer" shall not include cotton  
202 trailers as defined in subdivision (8) of this section and shall not include manufactured homes  
203 as defined in section 700.010, RSMo;

204       [(59)] **(60)** "Truck", a motor vehicle designed, used, or maintained for the transportation  
205 of property;

206       [(60)] **(61)** "Truck-tractor semitrailer-semitrailer", a combination vehicle in which the  
207 two trailing units are connected with a B-train assembly which is a rigid frame extension  
208 attached to the rear frame of a first semitrailer which allows for a fifth-wheel connection point  
209 for the second semitrailer and has one less articulation point than the conventional "A dolly"  
210 connected truck-tractor semitrailer-trailer combination;

211       [(61)] **(62)** "Truck-trailer boat transporter combination", a boat transporter combination  
212 consisting of a straight truck towing a trailer using typically a ball and socket connection with  
213 the trailer axle located substantially at the trailer center of gravity rather than the rear of the  
214 trailer but so as to maintain a downward force on the trailer tongue;

215       [(62)] **(63)** "Used parts dealer", a business that buys and sells used motor vehicle parts  
216 or accessories, but not including a business that sells only new, remanufactured or rebuilt parts.  
217 "Business" does not include isolated sales at a swap meet of less than three days;

218       [(63)] **(64)** "Vanpool", any van or other motor vehicle used or maintained by any person,  
219 group, firm, corporation, association, city, county or state agency, or any member thereof, for the  
220 transportation of not less than eight nor more than forty-eight employees, per motor vehicle, to  
221 and from their place of employment; however, a vanpool shall not be included in the definition  
222 of the term "bus" or "commercial motor vehicle" as defined by subdivisions (6) and (7) of this  
223 section, nor shall a vanpool driver be deemed a "chauffeur" as that term is defined by section  
224 302.010, RSMo; nor shall use of a vanpool vehicle for ride-sharing arrangements, recreational,  
225 personal, or maintenance uses constitute an unlicensed use of the motor vehicle, unless used for  
226 monetary profit other than for use in a ride-sharing arrangement;

227       [(64)] **(65)** "Vehicle", any mechanical device on wheels, designed primarily for use, or  
228 used, on highways, except motorized bicycles, vehicles propelled or drawn by horses or human  
229 power, or vehicles used exclusively on fixed rails or tracks, or cotton trailers or motorized  
230 wheelchairs operated by handicapped persons;

231       [(65)] **(66)** "Wrecker" or "tow truck", any emergency commercial vehicle equipped,

232 designed and used to assist or render aid and transport or tow disabled or wrecked vehicles from  
233 a highway, road, street or highway rights-of-way to a point of storage or repair, including towing  
234 a replacement vehicle to replace a disabled or wrecked vehicle;  
235       [(66)] **(67)** "Wrecker or towing service", the act of transporting, towing or recovering  
236 with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the  
237 wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives  
238 compensation or other personal gain.